

SECTION II
REMARKS

Regarding the Amendments

Claims 1, 7, 15 and 22 have been amended as set forth in the above Complete Listing of the Claims in Section I, beginning on page 3.

As amended, the claims are supported by the specification and the original claims and do not add new matter, as defined by 35 U.S.C. § 132.

The amendments do not require a new search, or raise new issues for consideration because they merely address issues already raised by the examiner or define applicants' invention more clearly.

It is submitted that the amendments place the claims in condition for allowance or in better condition for appeal by reducing the number of issues for consideration on appeal. The amendments were not made earlier in the prosecution because it is maintained that the previously pending claims were allowable. Since the amendments do not add new matter or require a new search or consideration, and place the claims in condition for allowance or in better condition for appeal, entry of the amendment is respectfully requested.

Specifically, the claims have been amended to clarify that the CNT structure recited therein is composed of CNT layers bound together by reaction of a carboxyl group and an amine group. Support for such is found in the specification, in the preferred embodiment description of the invention, as set forth in the Examples.

By the present amendment, cancellation of claims 30 and 31 is requested, without prejudice.

Thus, upon entry of the amendments, claims 1-5 and 7-29 will be pending, of which claims 1-5, 12, 14-21, 27 and 29 are withdrawn.

Rejection of Claims 7-11, 13, 22-26, and 28 Under 35 U.S.C. §112**Definiteness**

The examiner has rejected claims 7-11, 13, 22-26, and 28 under §112, second paragraph as indefinite for inclusion of the phrase “without use of a chemical anchor” in claims 7 and 22. As amended the claims no longer contain this phrase.

The claims have been amended to clarify that the claimed CNT film or pattern is made up of laminated CNT layers. The individual layers are bound to one another by the reaction of amine groups with carboxyl groups. Use of the term “without use of a chemical anchor” was intended to show that this binding is performed by direct reaction between the amine and carboxyl groups. The amended claims recite the bound layers without use of the rejected phrase.

The rejection is moot and withdrawal of the rejection of claims 7-11, 13, 22-26, and 28 under §112, second paragraph is respectfully requested.

Written Description

The examiner has rejected claims 7-11, 13, 22-26, 28, 30 and 31 under §112, first paragraph as lacking written description. Specifically the examiner rejects the claims for inclusion of the phrase “without use of a chemical anchor.” As amended the claims no longer contain this phrase.

The rejection is moot and withdrawal of the rejection of claims 7-11, 13, 22-26, 28, 30 and 31 under §112, first paragraph is respectfully requested.

Rejection of Claims 30 and 31 Under 35 U.S.C. §103

In the Office Action mailed October 28, 2008 the examiner rejected claims 30 and 31 under 35 U.S.C. §103(a) as being unpatentable over Chiu et al., 2002, Appl. Phys. Lett., 80:3811-3813 in view of U.S. Patent No. 7,272,511 to Occhipinti et al.

Claims 30 and 31 have been cancelled in the present Response. The rejection of claims 30 and 31 under 35 U.S.C. §103(a) is therefore moot and withdrawal of the rejection is respectfully requested.

CONCLUSION

Based on the foregoing, all of Applicants' pending claims 7-11, 13, 22-26, and 28 are patentably distinguished over the art, and are in form and condition for allowance. The Examiner is requested to favorably consider the foregoing and to responsively issue a Notice of Allowance.

No fees are believed to be due for the filing of this paper. However, should any fees be required or an overpayment of fees made, please debit or credit our Deposit Account No. 08-3284, as necessary.

If any issues require further resolution, the Examiner is requested to contact the undersigned attorney at (919) 419-9350 to discuss same.

Respectfully submitted,

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<p>The USPTO is hereby authorized to charge any deficiency or credit any overpayment of fees properly payable for this document to Deposit Account No. 08-3284</p>
